CALIFORNIA EMERGING TECHNOLOGY FUND
www.cetfund.org

The Hearst Building
5 Third Street, Suite 520
San Francisco, CA 94103
415-744-CETF (2383)

1000 N. Alameda Street, Suite 240
Los Angeles, CA 90012
213-346-3222

January 2010

Dear Local Government Leader:

The California Emerging Technology Fund CETF) invites and welcomes your feedback and comments on the attached materials regarding how local government officials can help promote the deployment and adoption of broadband—high-speed Internet access—within their communities and throughout the state to help close the Digital Divide in California. CETF has been asked by many local officials for examples of local government policies and ordinances pertaining to broadband and for a sample of a "model" policy that would serve as resources and starting point for their local deliberations.

The attached draft work products are the result of a joint venture between CETF and the Center for the New Orange County to compile, analyze and synthesize existing policy and ordinance examples from cities and counties. They form the foundation for a comprehensive report that will be available publicly in March 2010. Attached are:

- Broadband Example Policy Matrix
- Prospective Roles of Local Government
- Summary of Examples of Existing Policies and Ordinances
- Broadband Model Policy for Local Governments
- Sample Local Government Resolution for *Get Connected!*

CETF welcomes your input and these draft work products. And, we greatly appreciate your interest and leadership in helping close the Digital Divide.

Sincerely,

Sunne Wright McPeak
President and CEO

California Emerging Technology Fund and Center for New Orange County
Broadband Example Policies Project – Request for Input from Local and Regional Officials
January 2010

The California Emerging Technology Fund (CETF) recognizes that local and regional governments can have substantial impact on the deployment and adoption of broadband (high-speed Internet access and use) through their many leadership roles. The purpose of the Example Policies Project is to: (a) compile an inventory of what local jurisdictions already have adopted with respect to broadband; and (b) provide examples of policies that local and regional government officials could consider for facilitation of broadband deployment and adoption within their jurisdictions (if they determine that it is important for their own local communities). This Project is intended to support voluntary leadership of local and regional governments. The matrix below sets forth proposed key components that could be included in examples of policies (with appropriate implementing ordinance provisions) as a framework to invite and organize input and feedback. One way to consider the differences between policies and ordinances is to think of a policy as setting forth the "what and why" and an ordinance delineates the "how, when and who" of a governmental law or regulation. Of course, a local government may rely solely upon policies to guide the jurisdiction's actions without an accompanying ordinance(s). CETF is grateful to the California League of Cities and the California State Association of Counties for their assistance in seeking participation in this Project from their members. Comments should be submitted to: alana.obrien@cetfund.org

Policy Component (What, Why)	**Ordinance Implementing Provision** (How, When, Who)
Preface	*Introduction*
State Importance of Broadband Connectivity to Global Competitiveness (Economic Prosperity, Environmental Quality and Quality of Life)	Reaffirm Importance of Broadband Connectivity to Global Competitiveness (Economic Prosperity, Environmental Quality and Quality of Life)
Delineate Roles and Responsibilities of Local (or Regional) Government: Policy Leader; Planner; Regulator; Consumer; and Service Provider	Acknowledge the inter-relationships of the Roles and Responsibilities and a description of the context and focus of the ordinance.
Components	*Provisions*
1. Broadband Connectivity as Vital to 21st Century Competitiveness, Economic Prosperity and Quality of Life	1. State how the jurisdiction will set forth the policy and into which existing other policies, rules, regulations it will be incorporated.
2. Broadband as a Strategy to Promote and Protect Environmental Quality (reduction of carbon emissions and saving energy)	2. Identify the opportunities for improving environmental quality through broadband. Perhaps incorporate reference to responsibility for AB 32, SB 375 Sustainability Plan, and reduction of carbon footprint.
3. Facilitation of Infrastructure Development	3. Set forth the process and procedures for incorporating broadband into all infrastructure projects. Delineate timetables and deadlines.
4. Support for Smart Infrastructure and Connected Communities	4. Specify "smart building" requirements for land use and construction permits for all projects (public, commercial, residential, industrial).
5. Protection for Environmental Quality and Visual Aesthetics	5. Set forth the process and procedures for preventing and/or mitigating environmental impacts and protecting and/or preserving visual integrity of jurisdiction.

6. Commitment to Fairness and Competition	6. Delineate the process for ensuring fairness and competition, including transparency, public notice and timetables and deadlines for timely review of any required local permits.
7. Adequate Capacity and Transmission Speeds for Increasing Consumer Demand	7. Articulate the interest of the jurisdiction in monitoring the reliability and quality of broadband connectivity in the local jurisdiction and ensuring appropriate speed availability.
8. Efficiency of Government Operations and Delivery of Services	8. Direct how government operations and services are to be provided online and how the jurisdiction is to notify the public.
9. Public Safety and Emergency Communications	9. Delineate actions to optimize the use of broadband for public safety and emergency communications.
10. Commitment to Digital Inclusion	10. Set forth the steps for government agencies to ensure Digital Inclusion, especially for userved, underserved and disadvantaged neighborhoods.
11. Civic Engagement and Citizen Involvement (Education about Services)	11. Direct how government information and meetings will optimize the use of broadband.
12. Designation of Responsible Leadership and Management	12. Appoint a Broadband and Information Technology Coordinator.
13. Requirements for Data and Accountability	13. Delineate the requirements for data and how information is to be compiled for use by the government and public.
14. Inter-Agency Collaboration and Inter-Jurisdictional Cooperation	14. Outline the process for ensuring inter-agency and inter-jurisdictional cooperation.
15. Other	15. Related implementation action.

Roles of Local and Regional Governments

Local and regional governments have several roles in broadband deployment and adoption as: (1) policy leaders; (2) planners; (3) regulators (particularly of land use); (4) consumers; and (5) service providers. These roles are embedded in the elected governing city councils and boards of supervisors, whether or not the jurisdictions appoint specific staff to function in these roles. As policy leaders, local and regional governments drive the promulgation of policies and ordinances, responding to and protecting the public interest as expressed by constituents. They also implement the laws adopted by state and national governments, thus, defining the mindset regarding whether or not a local jurisdiction welcomes and facilitates investment in broadband. As planners, they prepare land use and other related plans that guide the development in their communities, thus determining "how smart" growth will be and defining the quality of life for the future. As regulators, they study and approve land uses and are in a pivotal position to require "smart" infrastructure and facilities as they approve land use projects. As consumers, local and regional governments purchase technology which, in turn, drives demand for broadband technology and services. And, as service providers, they direct whether or not broadband is integrated into government functions and used to provide information and access to public services online, thus encouraging broadband adoption. Local and regional governments in each of these roles have significant impacts on the deployment and adoption of broadband technology; each role presents an opportunity to encourage or inhibit consumer behavior regarding broadband and private-sector investment in the technology. The actions in each role determine whether or not their local community, region and California as a whole will be a global leader.

Prospective Roles of Local Government Related to Broadband Deployment and Adoption

The following are examples of local government actions in each of the prospective roles.

- Policy Leader: Promulgate policies that determine the jurisdiction's attention and attitude about broadband technology and defines the approach to facilitating or discouraging capital investment in deployment and adoption by residents.
  - Declare broadband as essential 21st century infrastructure to enhance economic global competitiveness, improve productivity, decrease impacts on the environment, increase opportunities for residents, and augment quality of life.
  - Commit to helping close the Digital Divide and promote Digital Inclusion.
  - Set an example for other agencies and employers, such as developing a program for telecommuting employees or recycling computers for non-profits or low-income families.
  - Designate a responsible person or agency for implementing the jurisdiction's policies, plans and ordinances related to broadband deployment and adoption.
  - Appoint as appropriate residents to advise the elected officials and policymakers.
- Planner: Prepare land use and other related plans (such as for economic development) that guide the development in their jurisdiction, thus determining "how smart" growth will be and defining quality of life for residents.
  - Incorporate the need and preference for broadband into general plans as a separate element and/or into all the relevant elements, such as economic development, circulation (transportation and mobility), housing and environment.
  - Promote broadband as part of "smart" (anti-dumb) growth and facilities and develop specific implementation plans.
  - Monitor broadband deployment and adoption in the local jurisdiction and update relevant plans to ensure infrastructure is adequate for future applications and consumer demand.
- Regulator: Adopt implementing ordinances for policies and plans that promote "smart" infrastructure and facilities.
  - Adopt ordinances to facilitate and streamline the approval of permits to use rights of way or public facilities consistent with principles of fairness and competition.
  - Analyze and approve land uses and construction permits that require "smart" infrastructure and facilities.
- Consumer: Purchase and utilize technology which can enable residents to access information and services, increasing demand for the technology and encouraging innovation and competition to develop new applications that will increase productivity.
  - Develop and adopt a technology plan for the jurisdiction that utilizes state-of-art equipment and software to improve internal government functions and to enable residents to use broadband.
  - Establish a process to monitor technology innovations and application trends along with a process to regularly update the technology plan.
  - Consider joint ventures or collaborative with other local governments in purchasing equipment and utilizing broadband technology.
- Service Provider: Provide information and services online through broadband that increases the relevance of the technology to consumers, which encourages adoption and reduces impacts on the environment.
  - Provide online all policies, plans, ordinances, and information about the jurisdiction.
  - Facilitate real-time online participation of residents in all public meetings.
  - Establish online public forums and mechanisms (email, surveys, exchange of views) to increase civic engagement and participation.
  - Report online data about the jurisdiction to inform the public and increase transparency.
  - Deliver online as many public services as possible to decrease trips and reduce impacts on the environment.

CALIFORNIA EMERGING TECHNOLOGY FUND – CENTER FOR THE NEW ORANGE COUNTY
SUMMARY OF EXAMPLE POLICIES AND ORDINANCES FROM CALIFORNIA LOCAL GOVERNMENTS *– Work in Progress December 2009*

[Note: The purpose of this table is to summarize existing policies regarding broadband (high-speed Internet access) and advanced telecommunications from California local governments to serve as a resource for public officials and policymakers in formulating policies for their own jurisdictions. This is a "work in progress" and input is welcome: send to the California Emerging Technology Fund (alana.obrien@cetfund.org).

Jurisdiction	Source Document	Adopted Policies or Ordinances
Davis	***General Plan*** Adopted May 2001; Amended through January 2007 (Section V: Community Facilities and Services; Chapter 8: Computers and Technology)	• Sets forth: Background (purpose); Goals, Policies and Actions (5 pages). • States: "Telecommunications infrastructure and services have been identified as important community resources, which are likely to be as important to continuing economic development of the community as basic infrastructure such as water, sewer and road systems." • Goals are: 1. Encourage development of infrastructure and services to allow all who live work and study in Davis to utilize new technologies to communicate with individuals locally, regionally, nationally and globally. (Policies: Implement a program of technology, planning installation and education. Make information regarding city government and decision-making, local services and opportunities to participate in city governance available to Davis citizens in electronic form.) 2. Pursue telecommunications as a means to reduce transportation impacts that can improve air quality and personal convenience and reduce dependence on non-renewable resources. (Policies: Encourage telecommuting for the City government and community. Encourage major employers in the City to allow telecommuting. 3. Develop an awareness that Davis is a city that understands and supports high technology communications. (Policy: Convey through the city's promotional documents that the city government and community understand and use modern communications technologies.)
Davis	***Municipal Code***	• Municipal Code: Chapter 40, Zoning, 40.29.180 Public Health and Safety (http://cityofdavis.org/cmo/citycode/detail.cfm?p=40&q=2367) addresses telecommunications facilities • Ordinances are oriented mostly towards aesthetic considerations and funneling an external provider's investment to keep from interfering with current community standards. (e.g. minimizing visual impact, prohibition of certain types of antennas and towers)
Foster City	***Telecommunications Policy*** Adopted February 2000 (15-page document)	• Outlines how the city will maintain infrastructure, who is responsible for administrating telecommunications policy, and the guiding principles for the policy. • Assigns the City Manager specific duties such as negotiating with providers for the use of city facilities and monitoring compliance with the use of rights-of-way. • Directs the city to maintain control of public facilities in leasing agreements and promote Digital Inclusion and the use of advanced telecommunications.

Humboldt County	***Report: Living in a Networked World*** (2004) ***Draft Telecommunications Element for the County General Plan*** (2008)	• Addresses telecommunications access, reliability, and capacity. • Incorporates formal assessment of broadband into the county General Plan. • Provides background information on broadband communications benefits and availability. • Provides long-term guidance for policymakers on addressing changes in broadband and telecommunications at the county level. • Resources for review at: Access Humboldt http://accesshumboldt.net/site/ Access Humboldt Rural Broadband Principles: http://accesshumboldt.net/site/access-humboldt-joins-call-rural-broadband-principles Comments of the Rural Broadband Policy Group: http://accesshumboldt.net/site/files/Rural%20Broadband%20Principles%20and%20Policy%20Recommendations%20for%20FCC%20Rural%20Broadband%20Strategy.pdf • Chapter 6 of the General Plan. Chapter 6 of the General Plan deals exclusively with telecommunications and is the best example found of a General Plan addressing broadband. http://co.humboldt.ca.us/gpu/overview.aspx Chapter 6 Telecommunications in the Draft General Plan extensively addresses broadband. (http://co.humboldt.ca.us/gpu/docs/HearingDraft/Part2Chapter6PlanningCommissionHearingDraft-11-20-08.pdf) Provisions include the following passages: "6.1 Purpose Telecommunications infrastructure and services include basic telephone, wireless telephone, and broadband internet. This chapter addresses telecommunications access, reliability, and capacity…. Access/Coverage. This is the single biggest issue. The county is not keeping up with the rest of the world, but there is a digital divide within the county as well. Broadband (high-speed) services are not available to half the county's residents, and cellular phone coverage is less than desirable."
Los Angeles	***General Plan Infrastructure Systems Element***	• Identifies the opportunity to create an "integrated network serving as the regional hub for public and private users." • Infrastructure Systems and Public Facilities and Services Elements unavailable for download.
Nevada County	***General Plan*** County of Nevada General Plan (Approved 1996)	• Addresses need for easements to provide telecommunications access. • Highlights need to undertake telecommunications studies. • Mandates that telecommunications facilities standards be included in the Comprehensive Site Development Standards. • Instructs the County to look for opportunities to combine upgrades of telecommunications infrastructure with upgrades of other infrastructure.
Petaluma	***General Plan*** City of Petaluma General Plan (2008)	• Promotes Digital Inclusion by 1. Assessing city infrastructure. 2. Developing a telecommunications infrastructure including multiple technologies. • Encourages development of telecommunications as a means for increased civic participation in government.

Redwood City	***Draft General Plan*** Draft Infrastructure Element	• Allow efficient and affordable communications. • Support efforts to provide affordable infrastructure. • Mandate that the city keep abreast of technological developments in telecommunications to pursue innovative solutions.
Riverside	***General Plan*** Public Facilities and Infrastructure Element (2007)	• Equates telecommunications infrastructure with other basic city infrastructure. • Ensures access to state-of-the-art Internet and modern telecommunications technology. • Directs the Public Works Department to own and operate an extensive network of fiber-optic cable. • Directs the city to partner with telecommunications companies to deploy broadband throughout the city. • Integrates broadband into public safety and education. • Municipal Code: Chapter 19.530 - Wireless Telecommunication Facilities and Related Support Structures: http://www.riversideca.gov/municode/pdf/19/article-7/19-530.pdf Ordinance focuses on the layout and deployment of telecommunication towers and structures. • Public Facilities and Infrastructure Element http://www.riversideca.gov/planning/2008-0909/ "Well-designed and maintained infrastructure systems are critical to a community's economic development goals, and they enhance the quality of neighborhoods. Infrastructure such as sewer and water lines, broadband communication networks and solid waste collection and disposal must be sufficient to accommodate the present and future needs the community. As infrastructure ages or growth outpaces capacity, isolated failures represent a real potential. Providing quality public facilities such as libraries, hospitals and community centers are also of vital importance, as they contribute to the health, education and quality of life for all residents." pg. PF-1
San Diego	***Information Technology Strategic Plan--ISTP*** (2000) **San Diego Broadband Initiative Version 2.0** – ISTP (2008)	• ITSP defined the City's vision of the future and serve as a plan for setting direction and development of information technology • Suggested guidelines for integrated City-wide action for promoting information technology as part of the General Plan with encouragement of City staff to utilize information technology, developers to pre-wire residential structures, emergency telecommunication upgrades and the facilitation of standards for economic development . • Utilities were encouraged to participate in implementing policies as a part of their own plans for upgrading and transformation into 21st Century organizations. • ISTP 2008 discussion of improvements in information technology utilization over previous decade and plans for future deployment. • ISPT 2008 mentions broadband just once, on the last page (p. 33) as the last bullet point beneath the heading "Gaps and Opportunities" (http://www.sdcounty.ca.gov/cto/docs/strat_plan.pdf)
Dublin	***Capital Improvement Plan***	• As part of the 2005-2009 Capital Improvements Plan hearings occurred where the City Council approve funds to expand DubLink, the city's broadband access network from solely a broadband fiber optic network to have components delivered through a wireless network. (http://www.dublin.oh.us/econdev/dublink.php) • DubLink, Dublin's existing system of underground fiber-optic conduits, provides high-speed voice, data and video communications to businesses. The network saves corporations time and money by providing an existing "telecommunications pathway" within the City's business district on which businesses can lease space rather than construct their own lines. • The vision is to have the entire city be a "hotspot" as a tool for enhancing economic development

Laguna Hills	***Municipal Code***	• Section 9-58 of the Municipal Code contains information on communications facilities (http://www.codepublishing.com/CA/LagunaHills/HTML/LagunaHills09/LagunaHills09.html • Ordinance is oriented mostly towards aesthetic considerations and funneling an external provider's investment to keep from interfering with current community standards. (e.g. minimizing visual impact, prohibition of certain types of antennas and towers).
Fremont	***Municipal Code***	• Municipal Code: Sec. 8-2199.7.3. Telecommunication facility. • Ordinance focuses on the layout and deployment of telecommunication towers and structures. • Ordinance is among the most complete demonstrations of telecommunication codes. • Language includes the following passage: "Telecommunication facility" shall mean a facility that transmits and/or receives electromagnetic signals for the following technologies: cellular technology, personal communications services, enhanced specialized mobile services and paging systems. It includes antennas and all other types of equipment used in the transmission or receipt of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development. It does not include radio towers, television towers and public safety networks."
Irwindale	***Municipal Code***	• Municipal Code Chapter 17.90 WIRELESS COMMUNICATIONS FACILITY • Ordinance contains language focused on the sites and deployment of telecommunication towers and facilities. • Ordinance is among the most complete demonstrations of telecommunication codes. • Provisions include the following passages: "It is the intent of the city that the regulations contained in this chapter shall apply to all wireless communication facilities within the city to accomplish the following: A. Ensure against the creation of visual blight within the city; B. Protect the inhabitants of Irwindale from the possible adverse health effects associated with exposure to levels of NIER (non-ionizing electromagnetic radiation) in excess of recognized national standards; C. Ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the community, as well as serve as an important and effective part of Irwindale's emergency response network; and D. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of Irwindale citizens. (Ord. 529 §1(part), 1998).
Malibu	***Municipal Code***	• Municipal Code: Chapter 17.46 WIRELESS TELECOMMUNICATIONS ANTENNAS AND FACILITIES (http://www.municode.com/resources/gateway.asp?pid=16468&sid=5) • Ordinance contains language focused on the sites and deployment of telecommunication towers and facilities. Emphasis is on deployment of antennas to existing facilities such as light poles • Ordinance is among the most complete demonstrations of telecommunication codes. • Provisions include the following passage:

		"The city finds that the technology associated with telecommunications equipment is subject to rapid changes and upgrades as a result of industry competition and customer demands, and anticipate that telecommunications antennas and related equipment with reduced visual impacts will be available from time to time with comparable or improved coverage and capacity capabilities. The city further finds that it is in the interest of the public health, safety, and welfare that telecommunications providers be required to replace older facilities with newer equipment of equal or greater capabilities and reduced visual impacts as technological improvements become available. Therefore, any modifications requested to an existing facility for which a permit issued pursuant to this title authorizing establishment of a wireless telecommunications facility shall permit the planning manager to review the carrier's existing facility to determine whether requiring newer equipment or applying new screening techniques that reduce visual impacts is appropriate if technically feasible."
San Bruno	***Municipal Code***	• Title 12 LAND USE Article III. Zoning • Chapter 12.220 WIRELESS TELECOMMUNICATIONS FACILITIES http://qcode.us/codes/sanbruno/view.php?topic=12-iii-12_220&frames=on • Provisions include the following passage: "The purpose of this chapter is to provide uniform standards for the design, placement, and permitting of wireless telecommunication facilities consistent with applicable federal requirements. The regulations contained herein are designed to protect and to promote public health, safety, community welfare, and the aesthetic quality of the city while at the same time providing for the managed development of wireless communication facilities. (Ord. 1711 § 1 (part), 2006)"
Stanislaus County	***Connecting Stanislaus:*** *Community and Technology Together* ***Strategic Plan(s)*** ***1999, 2003, 2005, 2008***	• Addresses telecommunications awareness, access, education and digital inclusion. • *Connecting Stanislaus* is a public-private consortium that includes government, business, education, agriculture, and community-based organizations. • Includes formal strategies and initiatives that are sustaining (10 years October 2009). • County Board of Supervisors has made broadband connectivity a priority for economic development. Strategies • Targeted Technology Training (T3) offers 200 classes annually throughout the community: 4 hour courses on 12 topics, community-based curriculum, English and Spanish language, pre/post course evaluation, K-12 education, cities and business sector partners. • Community Web Portal (connectingstanislaus.com) established 2003. Web 2.0 upgrade January 2009. Community volunteers from seven sectors maintain data and all resources: community pages, youth pages, regional tourism, public information—a community celebration in technology access. • Annual Technology Summit (X2Annually) was an annual technology fair through first 7 years and is now targeted half-day technology summits. Seven sectors will be targeted ongoing: Small Business Tech Summit May 2008; Ag Tech Summit January 2009 (Chambers of Commerce, Farm Bureau, Agricultural Commissioner, plus business sponsor/partners). • A Technology Closet (Pilot Sprint 2010) will focus on refurbishing recycled technologies by ROP students for non-profit and faith-based organizations, linking technology recycling and reuse, education and skills training, business networking and community organizations.

California Emerging Technology Fund
Draft Broadband Sample Policy for Use by Local Governments
January 2010

Findings and Declarations

The [Name of Local Government] hereby finds and declares that high-speed Internet access—referred to generically as "broadband" (which includes both wireline and wireless technologies)—is essential 21st Century infrastructure in a digital world and global economy. It is vital to the economic prosperity and quality of life for residents in [Name of Local Government] and throughout California. And, it can enable [Name of Local Government] to operate more efficiently and provide services to the public more cost-effectively.

The ability to be "connected" instantly through the Internet to information, services and digital tools is increasingly critical for access to and success in education, jobs, and economic opportunities. The deployment and adoption of broadband is a major strategy to spur economic development because it improves productivity, which attracts more capital investment and generates jobs, while saving both time and money for consumers.

In addition, broadband is a "green technology" that can significantly reduce impacts on the environment, shrink the carbon footprint, and decrease dependence on foreign oil by offsetting vehicle trips, decreasing the use of resources, and saving energy.

However, although California is home to a wellspring of innovation that has given rise to the evolution of information technologies and broadband, the use of broadband technology by California residents is only approximately equivalent to the national average and there is a significant Digital Divide that must be closed to remain globally competitive.

[Name of Local Government] is committed to operating government functions as cost-efficiently as possible and recognizes that information technologies and broadband can greatly assist in achieving that goal. And, [Name of Local Government] is dedicated to providing public information and making services available online for the convenience and benefit of residents as well as to reduce impacts on the environment. Residents should be able to use high-speed Internet access to transact business with our local government agencies, such as obtaining and paying for building permits or business licenses, paying utility bills, or accessing official documents and maps. Broadband is a key strategy for "greening" the services and operations of [Name of Local Government].

[Name of Local Government] is committed to helping families and children be healthy, productive and self-sufficient. And, it is recognized that the use of broadband can save both time and money for residents while helping them bridge the economic divide. Therefore, it is important that all residents within [Name of Local Government] have high-speed Internet access, particularly those living in lower-income households and publicly-supported housing.

[Name of Local Government] also is committed to helping students obtain the highest-quality education possible and understands that the ability to learn and prepare for higher education is significantly enhanced if schools incorporate digital literacy and high-speed Internet connectivity into curriculum. The availability of computing devices both at school and at home are critical teaching and learning tools for academic achievement.

[Name of Local Government] is committed to Digital Inclusion and increasing citizen participation in the public process through expanded engagement using broadband.

Therefore, it shall be the policy of the [Name of Local Government] to facilitate the deployment and adoption of broadband to provide our residents with opportunities, quality of life, and convenience. Further, it is recognized that the speed of data and image transmission capability of the broadband infrastructure is vital to drive adoption: higher speeds enable more applications that consumers perceive as relevant to their daily lives. Thus, is also shall be the policy of the [Name of Local Government] to encourage and facilitate upgrades to existing broadband infrastructure to ensure that the public and private sectors have access to sufficient broadband speeds to support consumer demand for new and evolving applications that save time, money and resources.

Responsibilities and Roles: Opportunities to Promote Broadband

The [Name of Local Government] recognizes that it has many responsibilities that affect deployment (supply) and adoption (demand) of broadband technologies and applications, including the following roles: (1) policy leader; (2) planner; (3) regulator (of land use); (4) consumer; and (5) service provider. As a policy leader, [Name of Local Government] may promulgate policies and ordinances to advance and protect the public interest or implement state and national laws that promote and accommodate high-speed Internet access. As a planner, [Name of Local Government] prepares and adopts a general plan and other land use plans that guide the development in our jurisdiction, thus determining "how smart" growth will be and defining the quality of life for the future. As a regulator, [Name of Local Government] approves land uses and building permits which can encourage, promote and/or require "smart" infrastructure and facilities within our jurisdiction. As a consumer, [Name of Local Government] purchases telecommunications and information technology equipment and services which, in turn, drives demand and improvements in these technologies and services. And, as a service provider, [Name of Local Government] has the ability to expand e-government functions by providing more information and access to public services online, thus encouraging broadband adoption. It shall be the policy of [Name of Local Government] in all of its roles and responsibilities to actively identify opportunities to implement policies, programs and actions to encourage broadband deployment and adoption.

Implementation

[Name of Local Government] shall incorporate these findings and declarations into the General Plan and all relevant elements [and Specific Plan(s), Redevelopment Agency Master Plan(s), and Community Sustainability Plan if existing and/or when prepared] and shall adopt the following implementation strategies and actions:

Land Use and Smart Infrastructure

- Promote the provision of broadband infrastructure in all public buildings, major transportation and other infrastructure projects, commercial developments, and residential neighborhoods.

- Require new or renovated residential and commercial development projects to provide broadband connectivity and include the infrastructure components necessary to support broadband and other state-of-art information and communication technologies, such as conduit space within joint utility trenches for future high speed data transmission systems. Incorporate into conditional use permits the requirements to ensure continuity of broadband service and periodic upgrades (such as every 10 years) to state-of-art broadband technologies.

- Identify local public rights-of-way and public facilities that can be used for broadband deployment and promulgate procedures to streamline the approval of easement encroachment permits consistent with principles of fairness and competition for all providers.

- Ensure a level playing field for all broadband providers—private and public (or government-led), wireline and wireless—making the use of public assets available to all providers on a competitive basis, commensurate with adopted policies regarding public benefits.

- Maintain consistency and comparability for protection of visual aesthetics as it pertains to broadband facilities with requirements for other infrastructure such as street lighting, traffic light control equipment, and power generation.

- Encourage broadband providers to size underground and overhead facilities to accommodate future expansion, changes in technology, and where possible the facilities of other telecommunications and utility providers.

- Allow for upgrades and expansions of existing broadband infrastructure and appurtenance facilities to the extent that it is adequately justified through radio frequency propagation (wireless service coverage area) maps and other means, and to the extent that the construction does not unduly impact nearby residential and historically significant areas. Consider authorizing longer-term "evergreen" permits that provide a right to providers to enter specified easements to upgrade their infrastructure for an indefinite or significant period of time (such as 20 years) to upgrade the broadband service consistent with the adopted policies.

- Locate and operate broadband infrastructure and appurtenant facilities to protect cultural and scenic resources. Site facilities at the lowest possible point along ridge lines in order to minimize visual and aesthetic impacts. Minimize the size and extent of appurtenant facilities, such as antennas, dishes, and equipment buildings, while still providing room for growth and co-location of future providers. Require, as part of a special use permit, that the top-most position of a monopole or tower be occupied with antennas to ensure that the ultimate structure height is justified. Use "stealth" technology solutions for masking views of antennas. Use a muted earth-tone colors that match the natural background setting. Landscape appropriately around the perimeter of facilities to be compatible with the surrounding vegetation.

- Require commitments for sharing new monopole or tower sites as a condition of approval if appropriate and feasible.

- Submit notification and information about all major infrastructure and construction projects, including transportation projects and new residential subdivisions, to a shared regional and/or statewide web-based data base (such as the prototype developed by the California Department of Transportation) so that broadband and other utility providers have the opportunity to coordinate infrastructure deployment in shared trenches, conduit, poles and towers, and other appurtenances to facilitate cost and time savings and minimize duplicative construction.

- Require as a condition of approval the timely removal of broadband and other advanced telecommunications towers and equipment when they are no longer needed.

Telecommuting

- Develop a program to allow and facilitate employee telecommuting (compatible with maintaining high-quality local government operations.

- Encourage and assist local employers to develop and offer telecommuting to their employees to reduce traffic congestion and environmental impacts.

Public Services and Digital Inclusion

- Prepare and implement a Technology Plan that uses state-of-art broadband and other information technologies to support the local government operations in the most cost-efficient manner possible and provide online all vital public information and critical services.

- Continue to improve the [county's] [city's] website both to (a) support the provision online of public information and critical services and (b) engage and increase citizen participation. Request [direct] all [county] [city] departments and programs to provide online all policies, plans, ordinances and key information. Request [direct] the chief executive officer [County Administrative Officer or City Manager] explore the feasibility and implement to the extent possible the opportunity for residents to participate online in all public meetings real-time and to provide input and feedback on key issues.

- Develop and provide online a comprehensive and standardized geographic information system that can be used by all public agencies to aid in the provision of public services.

- Promote the use of public buildings, such as libraries, parks and convention centers, as broadband "hot spots" to allow residents affordable [or free] high-speed Internet access.

- Ensure that public safety and emergency response agencies are capable of providing real-time information via broadband to facilitate efficient and efficient management of emergencies and natural disasters to protect lives and property.

Smart Housing

- Require all new residential subdivisions to be served with state-of-art broadband infrastructure with sufficient transmission rates to support applications relevant to residential consumers (for most commonly-used and available applications today the practical required transmission rates are in the range of at least three (3) Mbps downstream and one (1) Mbps upstream).

- Require all publicly-subsidized housing development projects to provide an independent "advanced communications network" to drive economies of scale that can result in a significantly-reduced cost basis for the lower-income residents. An "advanced communications network" is broadband infrastructure that, at a minimum, makes available affordable market-comparable high-speed Internet access service to all units via the aggregation and consolidation of service across the property. It is infrastructure in addition to the standard cables, wiring and other infrastructure required for power, television and telephone service. (If multiple services are offered via an advanced communications network, residents should be offered both "bundled" and "a la carte" options.)

- Request the local redevelopment agency (agencies) and housing authority (authorities) to adopt policies to promote and support smart affordable housing with advanced communications networks whenever their public funds are used to subsidize the construction and provision of housing for lower-income residents.

Digital Literacy and Workforce Development

- Integrate digital literacy training into all workforce development programs.

- Provide digital literacy (and computer / Internet skills upgrades) training for all employees.

Designation of Broadband Leader

- Direct the chief executive officer [County Administrative Officer or City Manager] to identify and designate an appropriate individual within management as a coordinator to be responsible for implementing policies related to broadband, information technologies, and Digital Inclusion. This designated leader shall develop a plan of action to increase and sustain the use of broadband and information technologies within the [Name of Local Government]. The broadband action plan shall set forth specific goals, objectives, activities and metrics for success for all the relevant responsibilities and roles delineated above. It shall include the promulgation of a technology plan for the operations and functions with the [county] [city] government or the incorporation and regular update of the existing technology plan. The coordinator shall prepare and submit a progress report annually to the [Board of Supervisors] [City Council].

- Direct the broadband coordinator to monitor broadband deployment and adoption within the jurisdiction of [Name of Local Government] and report rates and trends to the [Board of Supervisors] [City Council].

Interagency Cooperation

- Request that the chief executive officer [County Administrative Officer or City Manager] outline a process for ensuring inter-agency and inter-jurisdictional cooperation which shall include: sharing this policy with other jurisdictions in the region; meeting with them to explore common needs for infrastructure (including backhaul and middle mile needs); exploring opportunities to collaborate on broadband applications, such as telemedicine, or regional projects, such as library networks; and notifying neighboring jurisdictions about major infrastructure projects, such as transportation improvements along shared corridors.

- Explore opportunities to work with other public and private entities, such as schools, special districts, utilities, and private health and medical providers, to cooperate and joint-venture on broadband deployment projects and adoption programs.

Other Local Priorities

- Add other local priorities and considerations.

Important Note:

This document is a DRAFT prepared by the California Emerging Technology Fund (CETF) staff based on input and feedback to date from a range of stakeholders and a survey of existing relevant policies and ordinances from local jurisdictions across California. It is being circulated to obtain input and feedback for refinement and is not the final version that will be released for public use. CETF especially invites the review and comments from the California State Association of Counties, League of California Cities, California Redevelopment Agencies, and all California counties and cities. Comments from all interested parties are appreciated.

It also further should be noted that each local government is unique and will have to tailor policies to their special needs and circumstances. This Sample Policy is intended only as a starting place to assist jurisdictions in their leadership roles.

SAMPLE RESOLUTION

[Name of Local Government]

Get Connected!

Declaration of Support for *Get Connected!* and a Call to Action

WHEREAS, closing the Digital Divide is vital to the economic prosperity and quality of life for residents in [Name of Local Government] and throughout California.

WHEREAS, [Name of Local Government] finds and declares that high-speed Internet access—referred to generically as "broadband" and including both wireline and wireless technologies—is essential 21st Century infrastructure in a digital world and global economy.

WHEREAS, [Name of Local Government] recognizes that California is home to a wellspring of innovation that has given rise to the evolution of broadband and other information technologies, however Californians' adoption and use of broadband technology is only approximately equivalent to the national average.

WHEREAS, [Name of Local Government] acknowledges that 38% of all Californians, 40% of low-income households, and [percentage of residents in local jurisdiction or region] are not connected to the Internet with broadband, leaving more than 14 million Californians without high-speed Internet access at home.

WHEREAS, [Name of Local Government] is committed to helping families and children be healthy, productive and self-sufficient and realizes that the use of broadband can save both time and money for residents while helping them bridge the economic divide.

WHEREAS, [Name of Local Government] is committed to helping students obtain the highest-quality education possible incorporating digital literacy and understands that high-speed Internet connectivity and the availability of computing devices both at school and at home are critical teaching and learning tools for academic achievement.

WHEREAS, [Name of Local Government] is committed to reducing its carbon footprint and recognizes that broadband is a strategic "green" technology that decreases greenhouse gas emissions and dependence on foreign oil by enabling e-government and the provision of more services online.

WHEREAS, [Name of Local Government] is committed to Digital Inclusion and increasing citizen participation in the public process through expanded engagement using broadband.

WHEREAS, [Name of Local Government] recognizes that it has the opportunity to impact broadband deployment and adoption in its several local government roles and responsibilities, including as a policy leader, planning body, land use approval agency, purchaser-consumer of communications equipment and information technology, and a service provider.

WHEREAS, [Name of Local Government] welcomes the opportunity to partner with the California Emerging Technology Fund along with the Governor, Legislature, other local governments, civic leaders, community organizations, employers, labor representatives, educators, and policymakers to encourage adoption of broadband technology.

NOW, THEREFORE, BE IT RESOLVED that [Name of Local Government] hereby joins with the California Emerging Technology Fund in launching and promoting ***Get Connected!*** —a public awareness program to close the Digital Divide—and declares 2009 and 2010 as target years for all residents, businesses and community organizations to ***Get Connected!***

BE IT FURTHER RESOLVED that the [Name of Local Government] [Board of Supervisors or City Council] requests all of their departments and agencies to review scopes of responsibilities, work plans, and services to identify and report back to the [Board of Supervisors or City Council] within six (6) months on the strategic actions that will remove barriers to and promote the deployment and adoption of broadband among residents, customers, and recipients of public services.

BE IT FURTHER RESOLVED that the [Name of Local Government] [Board of Supervisors or City Council] directs that appropriate policies promoting and supporting the deployment and adoption of broadband be promulgated and incorporated into the General Plan and other appropriate land use and economic development plans.

BE IT FURTHER RESOLVED that the [Name of Local Government] [Board of Supervisors or City Council] directs the [County Administrative Officer or City Manager] and other appropriate departments to determine how to optimize the use of broadband technology to inform and engage residents to increase citizen participation in the public processes of governance and expand Digital Inclusion.

BE IT FURTHER RESOLVED that the [Name of Local Government] [Board of Supervisors or City Council] will seek to cooperate and share the results of ***Get Connected!*** with neighboring jurisdictions and other public agencies and shall post this resolution on the [county or city] website and send a copy to the [regional Council of Governments] for appropriate distribution to other local governments.

BE IT FURTHER RESOLVED that the [Name of Local Government] [Board of Supervisors or City Council] authorize the use of their names as champions of ***Get Connected!*** on the websites of the California Emerging Technology Fund (www.CETFund.org and www.GetConnectedToday.com) and in printed materials pertaining to ***Get Connected!***

APPROVED AND ADOPTED this _____ day of _____, 2009.